



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3076

Introduced 1/20/2006, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.663 new

730 ILCS 5/5-9-1

from Ch. 38, par. 1005-9-1

Creates the Law Enforcement Camera Grant Act. Creates the Law Enforcement Camera Grant Fund to be used for the installation of video cameras in law enforcement vehicles and training of law enforcement officers in the operation of the cameras. Provides that the Illinois Law Enforcement Training Standards Board shall administer the program. Amends the Unified Code of Corrections. Creates an additional penalty of \$1 for every \$40 fine imposed for a criminal or traffic offense, not including parking or registration offenses, to be deposited into the Law Enforcement Camera Grant Fund. Contains other provisions. Amends the State Finance Act to create the special fund. Effective immediately.

LRB094 18936 HLH 54384 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning law enforcement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Law
5 Enforcement Camera Grant Act.

6 Section 5. Definitions. As used in this Act:

7 "Board" means the Illinois Law Enforcement Training
8 Standards Board created by the Illinois Police Training Act.

9 "Law enforcement officer" or "officer" means any person
10 employed by a county, municipality or township as a policeman,
11 peace officer or in some like position involving the
12 enforcement of the law and protection of the public interest at
13 the risk of that person's life.

14 Section 10. Law Enforcement Camera Grant Fund; creation,
15 rules.

16 (a) The Law Enforcement Camera Grant Fund is created as a
17 special fund in the State treasury. From appropriations to the
18 Board from the Fund, the Board must make grants to units of
19 local government in Illinois for the purpose of installing
20 video cameras in law enforcement vehicles and training law
21 enforcement officers in the operation of the cameras.

22 Moneys received for the purposes of this Section,
23 including, without limitation, fee receipts and gifts, grants,
24 and awards from any public or private entity, must be deposited
25 into the Fund. Any interest earned on moneys in the Fund must
26 be deposited into the Fund.

27 (b) The Board may set requirements for the distribution of
28 grant moneys and determine which law enforcement agencies are
29 eligible.

30 (c) The Board shall develop model rules to be adopted by
31 law enforcement agencies that receive grants under this

1 Section. The rules shall include the following requirements:

2 (1) Cameras must be installed in the law enforcement
3 vehicles.

4 (2) Videotaping must provide audio of the officer when
5 the officer is outside of the vehicle.

6 (3) Camera access must be restricted to the supervisors
7 of the officer in the vehicle.

8 (4) Cameras must be turned on continuously throughout
9 the officer's shift.

10 (5) A copy of the videotape must be made available upon
11 request to personnel of the law enforcement agency, the
12 local State's Attorney, and any persons depicted in the
13 video. Procedures for distribution of the videotape must
14 include safeguards to protect the identities of
15 individuals who are not a party to the requested stop.

16 (6) Law enforcement agencies that receive moneys under
17 this grant shall provide for storage of the tapes for a
18 period of not less than 2 years.

19 (d) Any law enforcement agency receiving moneys under this
20 Section must provide an annual report to the Board, the
21 Governor, and the General Assembly, which will be due on May 1
22 of the year following the receipt of the grant and each May 1
23 thereafter during the period of the grant. The report shall
24 include (i) the number of cameras received by the law
25 enforcement agency, (ii) the number of cameras actually
26 installed in law enforcement vehicles, (iii) a brief
27 description of the review process used by supervisors within
28 the law enforcement agency, (iv) a list of any criminal,
29 traffic, ordinance, and civil cases where video recordings were
30 used, including party names, case numbers, offenses charged,
31 and disposition of the matter, (this item applies, but is not
32 limited to, court proceedings, coroner's inquests, grand jury
33 proceedings, and plea bargains), and (v) any other information
34 relevant to the administration of the program.

35 (e) No applications for grant money under this Section
36 shall be accepted before January 1, 2007 or after January 1,

1 2011.

2 Section 40. The State Finance Act is amended by adding
3 Section 5.663 as follows:

4 (30 ILCS 105/5.663 new)

5 Sec. 5.663. Law Enforcement Camera Grant Fund.

6 Section 60. The Unified Code of Corrections is amended by
7 changing Section 5-9-1 as follows:

8 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

9 Sec. 5-9-1. Authorized fines.

10 (a) An offender may be sentenced to pay a fine which shall
11 not exceed for each offense:

12 (1) for a felony, \$25,000 or the amount specified in
13 the offense, whichever is greater, or where the offender is
14 a corporation, \$50,000 or the amount specified in the
15 offense, whichever is greater;

16 (2) for a Class A misdemeanor, \$2,500 or the amount
17 specified in the offense, whichever is greater;

18 (3) for a Class B or Class C misdemeanor, \$1,500;

19 (4) for a petty offense, \$1,000 or the amount specified
20 in the offense, whichever is less;

21 (5) for a business offense, the amount specified in the
22 statute defining that offense.

23 (b) A fine may be imposed in addition to a sentence of
24 conditional discharge, probation, periodic imprisonment, or
25 imprisonment.

26 (c) There shall be added to every fine imposed in
27 sentencing for a criminal or traffic offense, except an offense
28 relating to parking or registration, or offense by a
29 pedestrian, an additional penalty of \$10 ~~\$9~~ for each \$40, or
30 fraction thereof, of fine imposed. The additional penalty of
31 \$10 ~~\$9~~ for each \$40, or fraction thereof, of fine imposed, if
32 not otherwise assessed, shall also be added to every fine

1 imposed upon a plea of guilty, stipulation of facts or findings
2 of guilty, resulting in a judgment of conviction, or order of
3 supervision in criminal, traffic, local ordinance, county
4 ordinance, and conservation cases (except parking,
5 registration, or pedestrian violations), or upon a sentence of
6 probation without entry of judgment under Section 10 of the
7 Cannabis Control Act, Section 410 of the Illinois Controlled
8 Substances Act, or Section 70 of the Methamphetamine Control
9 and Community Protection Act.

10 Such additional amounts shall be assessed by the court
11 imposing the fine and shall be collected by the Circuit Clerk
12 in addition to the fine and costs in the case. Each such
13 additional penalty shall be remitted by the Circuit Clerk
14 within one month after receipt to the State Treasurer. The
15 State Treasurer shall deposit \$1 for each \$40, or fraction
16 thereof, of fine imposed into the LEADS Maintenance Fund. The
17 State Treasurer shall deposit \$1 for each \$40, or fraction
18 thereof, of fine imposed into the Law Enforcement Camera Grant
19 Fund. The remaining surcharge amount shall be deposited into
20 the Traffic and Criminal Conviction Surcharge Fund, unless the
21 fine, costs or additional amounts are subject to disbursement
22 by the circuit clerk under Section 27.5 of the Clerks of Courts
23 Act. Such additional penalty shall not be considered a part of
24 the fine for purposes of any reduction in the fine for time
25 served either before or after sentencing. Not later than March
26 1 of each year the Circuit Clerk shall submit a report of the
27 amount of funds remitted to the State Treasurer under this
28 subsection (c) during the preceding calendar year. Except as
29 otherwise provided by Supreme Court Rules, if a court in
30 imposing a fine against an offender levies a gross amount for
31 fine, costs, fees and penalties, the amount of the additional
32 penalty provided for herein shall be computed on the amount
33 remaining after deducting from the gross amount levied all fees
34 of the Circuit Clerk, the State's Attorney and the Sheriff.
35 After deducting from the gross amount levied the fees and
36 additional penalty provided for herein, less any other

1 additional penalties provided by law, the clerk shall remit the
2 net balance remaining to the entity authorized by law to
3 receive the fine imposed in the case. For purposes of this
4 Section "fees of the Circuit Clerk" shall include, if
5 applicable, the fee provided for under Section 27.3a of the
6 Clerks of Courts Act and the fee, if applicable, payable to the
7 county in which the violation occurred pursuant to Section
8 5-1101 of the Counties Code.

9 (c-5) In addition to the fines imposed by subsection (c),
10 any person convicted or receiving an order of supervision for
11 driving under the influence of alcohol or drugs shall pay an
12 additional \$100 fee to the clerk. This additional fee, less 2
13 1/2% that shall be used to defray administrative costs incurred
14 by the clerk, shall be remitted by the clerk to the Treasurer
15 within 60 days after receipt for deposit into the Trauma Center
16 Fund. This additional fee of \$100 shall not be considered a
17 part of the fine for purposes of any reduction in the fine for
18 time served either before or after sentencing. Not later than
19 March 1 of each year the Circuit Clerk shall submit a report of
20 the amount of funds remitted to the State Treasurer under this
21 subsection (c-5) during the preceding calendar year.

22 The Circuit Clerk may accept payment of fines and costs by
23 credit card from an offender who has been convicted of a
24 traffic offense, petty offense or misdemeanor and may charge
25 the service fee permitted where fines and costs are paid by
26 credit card provided for in Section 27.3b of the Clerks of
27 Courts Act.

28 (c-7) In addition to the fines imposed by subsection (c),
29 any person convicted or receiving an order of supervision for
30 driving under the influence of alcohol or drugs shall pay an
31 additional \$5 fee to the clerk. This additional fee, less 2
32 1/2% that shall be used to defray administrative costs incurred
33 by the clerk, shall be remitted by the clerk to the Treasurer
34 within 60 days after receipt for deposit into the Spinal Cord
35 Injury Paralysis Cure Research Trust Fund. This additional fee
36 of \$5 shall not be considered a part of the fine for purposes

1 of any reduction in the fine for time served either before or
2 after sentencing. Not later than March 1 of each year the
3 Circuit Clerk shall submit a report of the amount of funds
4 remitted to the State Treasurer under this subsection (c-7)
5 during the preceding calendar year.

6 (c-9) (Blank). ~~, , or Section 70 of the Methamphetamine~~
7 ~~Control and Community Protection Act~~

8 (d) In determining the amount and method of payment of a
9 fine, except for those fines established for violations of
10 Chapter 15 of the Illinois Vehicle Code, the court shall
11 consider:

12 (1) the financial resources and future ability of the
13 offender to pay the fine; and

14 (2) whether the fine will prevent the offender from
15 making court ordered restitution or reparation to the
16 victim of the offense; and

17 (3) in a case where the accused is a dissolved
18 corporation and the court has appointed counsel to
19 represent the corporation, the costs incurred either by the
20 county or the State for such representation.

21 (e) The court may order the fine to be paid forthwith or
22 within a specified period of time or in installments.

23 (f) All fines, costs and additional amounts imposed under
24 this Section for any violation of Chapters 3, 4, 6, and 11 of
25 the Illinois Vehicle Code, or a similar provision of a local
26 ordinance, and any violation of the Child Passenger Protection
27 Act, or a similar provision of a local ordinance, shall be
28 collected and disbursed by the circuit clerk as provided under
29 Section 27.5 of the Clerks of Courts Act.

30 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
31 94-652, eff. 8-22-05; revised 8-29-05.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.